

DECLARATION AND POWER OF ATTORNEY
CO-PENDING APPLICATION CONTAINING ADDITIONAL SUBJECT MATTER

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPOSITION OF PYRUVATE AND ANABOLIC PROTEIN AND METHOD FOR INCREASING FAT LOSS IN A MAMMAL the specification of which

(check one) ☒ [X] is attached hereto.

☐ [] was filed on _____ as
 Application Serial No. _____
 and was amended on _____ (if applicable)

This application in part discloses and claims subject matter disclosed in our earlier filed application, Serial No. 08/951,547, filed October 16, 1997.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of the invention claimed in this application, in accordance with Title 37, Code of Federal Regulations, §1.56(a) and (b).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			<u>Priority Claimed</u>	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> [] Yes	<input type="checkbox"/> [] No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> [] Yes	<input type="checkbox"/> [] No

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of

Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) and (b) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/951,547
(Application Serial No.)

October 16, 1997
(Filing Date)

Allowed
(Status)
(patented, pending
abandoned)

08/686,819
(Application Serial No.)

June 26, 1996
(Filing Date)

Patented
(Status)
(patented, pending
abandoned)

We hereby appoint Roger A. Gilcrest, Reg. No. 31,954, James L. Kwak, Reg. No. P41,133, Donald O. Nickey, Reg. No. 29,092, Patricia L. Prior, Reg. No. 33,758, Jeffrey C. Norris, Reg. No. 42,039, or Jeffrey S. Standley, Reg. No. 34,021, c/o Standley & Gilcrest, 495 Metro Place South, Suite 210, Dublin, Ohio 43017-5315, Telephone No. (614) 792-5555 my attorneys, with full power in each of them, of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence should be sent to the attention of **Donald O. Nickey** at the address above.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

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Date

12/15/98

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Dec 14, 1998

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